

without pay or removal from office so that the Commission on Judicial Qualifications would have the choice as to which of the five different kinds of sanctions to impose and it would not have to choose between complete removal from office and doing nothing. Now this system has been up and running for two and a half years and it has worked quite well. And an integral part of that system is that the first tier, the first level of reprimand, the first level called a reprimand can for relatively trivial offenses be done privately and it can be done upon what is known as in the lexicon, in the trade, is a showing of probable cause as opposed to a conviction of guilt by clear and convincing evidence. And what this constitutional amendment, the one currently in effect that the voters adopted in 1980, provides is that where a relatively trivial offense takes place the Commission on Judicial Qualifications on a finding of only probable cause, without having to have a hearing, without having to have the presentation of evidence, without having to conclude by clear and convincing evidence that someone is guilty of misconduct, can issue a reprimand. And it is only for this first of the five tiers that this private probable cause based reprimand can be issued. For any of the other four where clear and convincing evidence is shown it has to be done publicly and it is done publicly. So let me remind you that first of all, this reprimand provision that this constitutional amendment deals with concerns only one of the five possible kinds of discipline and the kind of discipline based on probable cause and nothing more, the kind of disciplines that will enhance the efficient administration of justice, really no more or no less. Now I know a lot of you are concerned about the judge in South Sioux City who has had a hearing, a public hearing on a number of charges, and whose conduct is currently being evaluated under this 1980 constitutional amendment. Now the system is taking care of that situation and one way or another there will be a public resolution to that problem but it is not an appropriate reaction of that problem to say that there should not be available in very minor cases this possibility of a private reprimand.

SPEAKER NICHOL: One minute.